1:Vaillant A-5 (1928-1936)1941 NU7 Aztec NU7

CHAPTER XII

FOREIGN AFFAIRS AND WAR

The relationships of Aztec tribes to each other in peace and war, the nature of the Aztec domain and methods of military organization and warfare

THE COMMUNITY or tribe was the center of the political and economic life of the Aztecs. Existence depended on the favor of the gods, who participated directly in the tribal fortunes, so that the degree of elaboration of the ceremonial structures was an accurate gauge of tribal prosperity. A man's position in the civil life of the community had a corresponding level in the hierarchy, since conspicuous fulfillment of civil obligations entailed an equal attainment in piety and observance of ritual. The basic design for living was a communal agriculture. The early tribal existence sought to achieve this pattern by avoiding other peoples and finding new land to settle. There is an essential affinity between agriculture and political isolation, just as commerce and manufacture require successively broader political contacts.[1]

In the early history of the Valley of Mexico there appear to have been a series of small isolated settlements which carried on a vague process of exchange. The Toltec civilization seems to have attained uniform development over a wide area spread by a population which gradually filled up unoccupied territory. There was little to suggest war or con-

7: Sahagún M-5 (1529-1590) 1955 NU7 Aztec NU7

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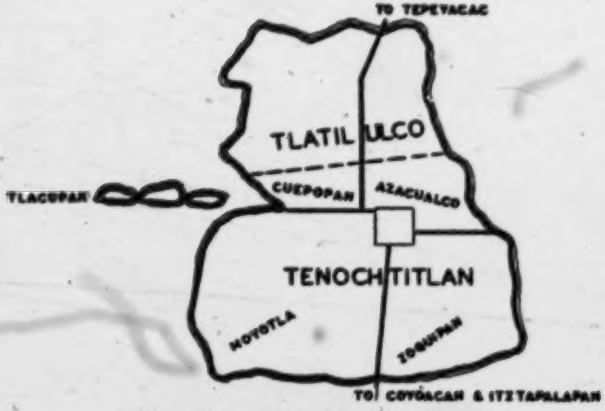

Chart showing two-fold division of the island and four-fold division of Tenochtitlan

KEY TO MAP OF TENOCHTITLAN-TLATILULCO

1. Palace of Moctezuma
2. Temalacatl
3. Quauhpopocatzin
4. Tequantzinco
5. Acatl yiampan
6. Tzompantzinco
7. Temple of Uitzilopochtli
8. Palace of Moctezuma the Elder
9. Tlaxpitzac
10. Coatetelco
11. Uitzilihuitl
12. Xolloco
13. Port Xolloco
14. Atenchicuacan
15. Tequacalchiuhcan
16. Tequantzinco
17. Tlaquiac
18. Atenchicalco
19. Mixcoacalchiuhcan
20. Tolteca mohuetzi
21. Petlacalco
22. Papalotlan
23. Cuepopan
24. Necatitlan
25. Tlacuc
26. Ayauhcalchiuhcan
27. Yacahuacan
28. Mixcoac of Tlatilulco
29. Tlacochcalcan and Tlahuicpan
30. Amoxochcan
31. Cuyoacacan and Amaxac
32. Cuepohuacayan
33. Ayauc
34. Atlixcohuyan
35. Tzococ
36. Quauxicalcan
37. Apanocan
38. Tlaxinticalco
39. Tlacochcalcan and Atecpancalco
40. Xochimilco and Quauhquechollan
41. Yacacolco
42. Tlilhuacan and Amaquemecan
43. Colhuacatzinco
44. Xaltocan or Chinampan
45. Tenopalcatzinco
46. Atzacualco
47. Tecamachalco

(After Orozco y Berra, with modifications suggested mainly by reference to Alfonso Caso, *Los barrios antiguos de Tenochtitlan y Tlatelolco*. The locations of many of the places are questioned.)

[p. xvi]

[For information on the structure of the Aztec "calpulli" as a community, consult the following categories: 565, 463, 651, 423, 463, and 618.]

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[The information contained in the various sources on Aztec society and culture concerning the social grouping variously known as calpulli, clan, tribe, deme, kindred, etc., is contradictory in most instances. All data on this social grouping has therefore been placed in category 618 in this file. --Analyst]

16:Bandelier E-4 (no date) 1880 NU7 Aztec NU7
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It is not surprising therefore if, of the earliest traces which are met with concerning such Aborigines as spoke the "good sound" scient for my purpose to establish its identity, in system, with the others. The Nicaraguan days are corruptions of the Mexican names, the "Niquiran" being a "Nahuatl" dialect.

Taking now the four remaining groups, we place opposite to each word its translation or interpretation so far as I can trace it, which is of course not always possible.

Mexican.	*QQuiché.*	*Maya.*	*Chiapaneco.*
Cipactli, *Marine monster.*	Imox. *Swordfish.*	Ymix. *Dragon.*	Imox.
Ehecatl, *Wind.*	Iq. *Breath.*	Yk, *Breath or wind.*	Igh.
Calli, *House.*	*Akbal, chaos* (?).	Akbal, (See below).	*Votan.*
Cuetzpalin. *Lizard.*	Cat, *Lizard.*	*Kan. Snake.*	Chanan. *Snake.*
Cohuatl. *Snake.*	Can. *Snake.*	Chicchan.	Abah, *Stone* (?).
Miquiztli. *Skull.*	Camey. *Death.*	Quimij, *Death.*	Tox.
Mazatl, *Deer.*	Quich. *Deer.*	Manik, (See below).	Moxic.
Tochtli. *Rabbit.*	*Ganel. Rabbit.*	Lamat.	*Lambat.*
Atl, *Water.*	Toh, *Shower.*	*Muluc.*	Molo.
Itzcuintli. *Dog.*	Tzy. *Dog.*	Oc.	Elah.
Ozomatli, *Monkey.*	Batz. *Monkey.*	Chuen. (See below).	Batz. *Monkey* (?).
Malinalli. *Knot or twist*	Ci, *Broom.*	Eb, *Staircase.*	Eoob.
Acatl, *Cane.*	*Ah, Cane.*	Been.	*Been.*
Ocelotl, *Wild cat or tiger.*	Itz, *Wizard.*	*Giz, Wizard.*	Hix.
Quauhtli. *Eagle.*	Tziquin. *Bird.*	Men. *Builder* (?).	Tzibin.
Cozcaquauhtli, *Vulture.*	Ahmak, *Owl.*	Quib, *Gum or wax.*	Chabin.
	Noh, *Temperature.*	Caban.	Chic.
Ollin, *Motion.*	*Tihax. Obsidian.*	Edznab.	*Chinax.*
Tecpatl, flint.	Caok, *Rain.*	*Cauac.*	Cahogh.
Quiahuitl, *Rain.*	Hunahpu, *Shooter out of a tube.*	Ajau, *Chief.*	Aghual.
Xochitl, *flower.*			

For the interpretation, as above attempted, I have consulted the following very limited number of authors:—*Brasseur de Bourbourg* ("*Relation des choses de Yucatan, etc.*" "*Popol-Vuh,*" "*Grammaire Quiché,*" "*Ruines de Palenqué.*") *H. H. Bancroft,* (Vol. II and III). *Orozco y Berra,* ("*Geografia de las Lenguas.*") and other sources. Mr. Bancroft translates the QQuiché "akbal" by *chaos.* I would suggest "*household,*" basing upon the following note of Mr. Brasseur: ("*Chronologia antigua de Yucatan, etc.,*" por *Don Juan Pio Perez* in "Choses de Yucatan," p. 375). "*Akbal,* mot vieilli qu' on retrouve dans la langue Quiché avec le sens de marmite, vase, peut être le même que le mot *cos* ou *comitl* des Mexicains." Sr. Perez says about the word: "desconocido: tambien se halla entre los dias chiapanecas, escrito *Aghual,*" (p. 374). In this the learned Yucatan is mistaken, for Aghual corresponds to the Maya and QQuiché "Ajau" or "Ahau." Now the pot or rather kettle, was distinctly connected with the housewife, and the word "Akbal" being, as the Abbé tells us, out of use, the suggestion that it may have been used to indicate something like the Mexican "Calli"—house,—is at least permitted.

I have deliberately translated "Kan" by snake, instead of by "cord of hennequen" as Pio-Perez has it (p. 372). Compare note 1 by the Abbé.

Manik is interpreted by Pio-Perez as follows: "es perdida su verdadera acepcion; pero si se divide la espresion man-ik viento que pasa, quizá se entenderia lo que fué." If this is accepted, then the signification might be: "fleetness," "swiftness," or "rapidity,"—some of the attributes of the *deer,* which is the corresponding sign in both the Mexican and QQuiché.

Chuen, for the reasons indicated by Brasseur (note 3, p. 372 of "*Chronologia,* etc.,") should be "monkey," as well as in the three other idioms.

In regard to "Gix" *Sr. Orosco y Berra* (Part II, V, p. 103), copies the three interpretations of Don Pio-Perez, one of which amounts to "the act of plundering or rob-

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or "Nahuatl" language in Mexico, we gather the information that they started off in bands constituting "lineages" or kins. This

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bing a tree." Might there be any vague connection between this and the Mexican "Ocelotl" or beast of prey?

The word "Causc" is mentioned as "desconocido" or disused. Still the analogy in sound with the QQuiché "Caok" rain, is striking, as well as with the Tzendal "Cahogh" and finally also with the Mexican "Quiahuitl."

In regard to the calendar of Chiapas, I regret to say that the material at my command is by far too limited to venture much of an interpretation. Not one of the few Tzendal vocabularies or Grammars yet existing is within my reach. Still I must note here: "Chan" in Tzendal signifies *Snake*, therefore my translation of "Chanan." *Brasseur de Bourbourg* ("*Recherches sur les Ruines de Palenqué*," Cap. II, p. 32, notes 4 and 5).

"Abah" probably *Stone* ("*Palenqué*," p. 65, note 5).

"Batz" as *monkey*, is identified with the three other signs of the same day by *Brasseur* ("*Popol-Vuh*," Introd. p. CXXXV, note 5, Part II, cap. I, p. 69, note 4).

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Furthermore, the signs Imox, Igh, Hix, and Cahogh are, in sound at least, analogous, if not identical, with the corresponding signs of the QQuiché and Maya calendars, and the signs Lambat, Molo, Been, and Aghual, are nearly alike to those of the same days of the Maya alone, whereas, Tzibin reminds of the Tziquin in QQuiché.

Taking now the Mexican calendar as a basis, we cannot fail to notice:

(1). That fifteen of its signs are identical with those of the QQuiché.

(2). Three are absolutely identical with signs of the Maya, and five more are presumably identical also.

(3). Two are identical with signs of the Tzendal, and two more presumably so.

Therefore our assumption appears justified, that:—

(1). The Mexican and QQuiché names of the days have a common origin.

(2). That the same is likely in regard to the Maya, since the Maya and QQuiché are regarded as belonging, linguistically, to the same stock.

(3). That a presumption in favor of a similar relation towards the Tzendal of Chiapas may be admitted since, besides the four signs recognized as common to both calendars, there are at least eight more which, in sound, are identical with others of the Maya and QQuiché.

I feel authorized, consequently, to conclude:—

(1). That the names of the days given by the four linguistical clusters above stated, were probably, originally identical.

(2). That these names, therefore, *had a common origin*.

This origin is stated as follows:—

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Mendieta (Lib. IV, cap. XLI, p. 537), "and these Indians affirmed, that in ancient times there came to this land twenty men, and the chief of them was called Cacalcan, ... This writes the bishop of Chiapas. . . ." This bishop of Chiapas was *Fray Bartolomé de Las Casas*, who, in the MSS., "*Historia apologética de Indias*" (Vol. III, cap. 124), appears to be more detailed. I quote Las Casas from *Brasseur* and from *H. H. Bancroft*, (Vol. 3, p. 465), where he says (Cap. 123),—the MS. itself not being accessible to me. Now it is commonly admitted, and this admission (whether correct or not) is so general, that no quotations are needed in evidence, that Cuculcan or Cocolcan is identical with the Mexican Quetzalcohuatl. To Quetzalcohuatl, however, is attributed the formation of the *Mexican Calendar*. (*Torquemada*, Lib. VI, cap. XXIV, p. 32. *Mendieta*, Lib. II, cap. XIV, pp. 97, 98.)

In regard to the origin of the Tzendal Calendar, the tradition is very clear. *Boturini* ("*Idea, etc.*," § XVI, pp. 115 to 121). Quoting *Núñez de la Vega* (32, § XXVIII of the "*Constitucion Diocesana*") "y prosigue el Prelado diciendo, que *al que llamaban Coslahuntox (que es el Demonio, segun los Indios dicen, con trece potestades) le tienen pintado en Silla, y con hastas en la cabeza como de carnero*, quando dicho Coslahúntox se ha de corregir en Ymox, ó Mox, y no está puesto en el Kalendario por Demonio,

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was the case with the so-called "Toltecs,"[30] and with all their successors, such as the "Tezcucans," "Tecpanecans," and others, *including the ancient Mexicans.*[31]

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sino por cabeza de los veinte Señores, Symbolos de los dias de el Año, y assi viene á ser el primer Symbolo de ellos." (See also Idem, pp. 118, 119, quoting Nuñez de la Vega, 33, 34, and 35), "concuerda el Systema de los Kalendarios de Chiàppa, y Soconusco con el Tultéco, ... pues en lugar de los quatro Caractéres Técpatl, Calli, Tóchtli, Acatl, se sirven los de Chiäppa de quatro Figuras de Señores, Votan, Lambat, Bèen, y Chinax, etc., etc."

Clavigero (Lib. II, cap. XII, p. 164). "The Chiapanecs, if we can place any reliance upon their traditions, were the first settlers of the New World. They claim that Votan, the grandson of the venerable old man who built the great ark in order to save himself and his family during the deluge, and who was one of those who erected the high building that reached into the clouds, set out by special command of God, to people the country." Adopted and quoted also by Señor Don *Francisco Pimentel*, ("*Cuadro Descriptivo y Comparativo de las Lenguas Indigénas de México*," 1865, Vol. II, p. 232.) *Clavigero* (Lib. VI, cap. XXIX, p. 412, Vol. I) "The Chiapanecs . . . . . instead of the figures and names of the rabbit, cane, flint, and house, used the names Votan, Lambat, Been, and Chinax, and instead of the Mexican names of the days, they adopted those of twenty celebrated men of their ancestry, among which the four names above mentioned took the same place as among the Mexicans the Rabbit and the others." Compare also, in the appendix to the same volume, p. 633, the "*Letter of the Abbé Don Lorenzo Hervas*," Cesena, 31 July, 1780. *Clavigero* (Vol. II, "Dissertations, etc.," Cap. II, p. 281). After recalling the tradition of Votan, quoting from Nuñez de la Vega, he adds in note b, "Votan is the name of the leader of the 20 celebrated men, after which the 20 days of the month of the Chiapanecs are named."

These statements, which rest upon the writings of Nuñez de la Vega and of Ordonnez y Aguiar, are adopted, among later writers, by:—

Brasseur de Bourbourg ("*Popol-Vuh*," Introduction, § V, p. LXXII. "*Chronologia*," in "*Relation des choses du Yucatan*," p. 374, note 4).

The identity of the twenty days of the Chiapanecan months with the names of twenty leaders of as many kins, is very likely, therefore; and since we have found the close resemblance of the Chiapanecan Calendar with that of the Yucatecan Maya, it is not unreasonable to suggest: that the names of the Maya days originally denoted the same twenty kins also. If such is the case (as the tale of Cuculcan and of his nineteen followers also seems to indicate), then the twenty signs of the QQuiché have a similar origin and finally, the actual identity of the QQuiché Calendar with the Mexican or Nahuatl proper leads to the inference that the twenty names of days of the Tzendal, Maya, and Nahuatl groups of sedentary Indians in Mexico and Central America, indicate *a common origin of these three clusters, from twenty kins or clans, or gentes*, at a remote period.

Within these twenty kins there appear *four* more prominent than the other. This again may indicate a *still older* derivation from *four*, out of which the remaining sixteen sprang through segmentation. How such segmentation may occur is plainly stated in the "*Popol-Vuh*," and has been fully referred to by me in "*Tenure of Lands*" (p. 391, 392, note 7), to which, in addition to the Indian authority, and to Mr. Morgan's "*Ancient Society*" (Part II, Chapter IV), I beg leave to direct the "curious reader." In regard to the actually prevailing division of Indian settlements into four quarters, it is asserted by *Brasseur de Bourbourg* ("*Popol-Vuh*," Introduction, p. 117), "Enfin, presque toutes les villes ou tribus sont partagées en quatre clans ou quartiers, dont les chefs forment le grand conseil."

I give the above as mere suggestions, begging for their acceptance in a kindly way, since they are not intended to be thrust upon the reader as "results." But I cannot resist the temptation to submit some remarks here, on other peculiarities exhibited

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173 their first appearance in the northern sections of the former
618 republic of Mexico, as a cluster of seven kins, united by the bond of common language and worship.[32] The names of these seven kins are distinctly stated and it is not devoid of interest to notice that some of these names were perpetuated as late as 1690 among the numerous "Indian wards" of the present City of Mexico.[33] We may as well add here, that these

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M central west might not perhaps show a closer connection yet between the very ancient
[805 Mexican kins as denoted by their days, and the gentes composing their own tribes.
171] After these speculations, which I submit for what they may be worth, and with the distinct reserve that I do not attach any value to them save as hints and queries for further investigation, I beg leave to state, that in my fourth paper "On the Creed and Belief of the Ancient Mexicans," I intend to discuss all these points with more thoroughness, and, I hope, with the aid of more suitable material than that now at my command.

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[197 [30] *Iztlilxochitl* ("*Relaciones historicas*" "*Segunda Relacion*," Kingsborough, Vol. IX,
173 p. 323) "y casi el ultimo de estos años se juntaron dos cabezas principales y los otros
621] cinco inferiores á tratar si se quedarian en esta tierra ó si pasarian mas adelante." Also "*Noticias de los Pobladores y Naciones de esta Parte de America llamada Nueva-España*" ("*Tercera Relacion de los Tultecas*," Kingsborough, IX, p. 303), "Estos siete caudillos . . . . . con todas sus gentes vinièron descubriendo y poblando por todas las partes que llegaban." ("*Histoire des Chichimèques*," Cap. I, p. 13), "Ils avaient sept chefs, et choisissaient alternativement un d'entr'eux pour les gouverner." In addition to authorities quoted on the Toltecs in "*Tenure of Lands*" (p. 388, note 7, to p. 392). I refer to *Vetancurt* ("*Teatro Mexicano*," Vol I, Part II, Trat. I. Cap. IV, p. 234). *Granados y Galvez* (2a Tarde, p. 31).

[31] "*Tardes Americanas*" (p. 31), "bien es que los mapas de estos no nos pintan tierras, sino familias: y como estos vaguearon sin fixeza alguna por tan varios rumbos. . . . . ." It is superfluous to quote authorities in full, I but refer to "*Histoire des Chichimèques*" (Cap. V, pp. 38, 39; X, p. 70). *Sahagun* (Lib. X, cap. XXIX). The whole chapter is very important. *Durán* (Cap. II, pp. 10, 11, 12, 13, 14, 15, 16, III; pp. 19, 20, 21, and plates I, to Trat. I°, also pl. I, to Trat. II°). *Acosta* (Lib. VII, cap. II, p. 454, and cap. III entire). *Mendieta* (Lib. II, cap. XXXIV, p. 147). *Torquemada* (Lib. I, cap. XXIII, p. 51; cap. XXVI, p. 54; Lib. II, cap. I, p. 78, etc.). *Garcia* ("*Origen*, etc.," Lib. III, cap. I, p. 81; Lib. V, cap. III, p. 321). *Herrera* (Dec. III, Lib. II. cap. X, pp. 59, 60). *Veytia* (Lib. II, cap. VI, p. 30 of 2d Vol.). *Vetancurt* (Vol. I, "*Teatro*," Parte II, Trat. I, cap. IX, pp. 254, 255). *Clavigero* (Lib. II, cap. IV, pp. 146, 147), and others.

[32] The number seven (7) is almost generally accepted. Compare "*Tenure of Lands*" (p. 389, and note 21). Besides the authors there mentioned as accepting seven kins, I refer to *Dr. Ad. Bastian* ("*Die Culturlaender des Alten Amerika*," Vol. II, p. 466, note 2). *Cabrera* (in *Mauotoli's Palenqué*, p. 77. Rather confused).

[33] I have gathered these names out of the following sources: *Durán* (Cap. III, pp. 20, 21), *Tezozomoc* (Cap. I, p. 6, Kingsborough, Vol. IX), *Veytia* (Lib. II, cap. XII, p. 91 of 2d Vol.). They are stated as follows:—

By Durán.	*By Tezozomoc.*	*By Veytia.*
Yopica.	Yapica.	Yopica.
Tlacochcalca.	Tlacochcalca.	Tlacochcalca.
Vitznagoa.	Huitznahuac.	Huitznahuac.
Cuatecpan.	Cihuatecpaneca.	Cihuatecpaneca.
Chalmeca.	Chalmeca.	Chalmeca.
Tlacatecpaneca.	Tlacatecpaneca.	Tlacatecpaneca.
Yzquiteca.	Yzquiteca.	Itzcuintecatl.

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Such were, in a general way, the higher functions of the Mexican council, and they appear, if we are permitted to characterize them to be only arbitrative and directive. Yet the members of that council had other duties of a purely judicial nature. 646 692

No conflict occurred between its jurisdiction and that of the kins. It was neither superior nor inferior to it, but wholly independent, even without any connection with it. Hence it extended:

1. Over the unattached class, the hangers-on to the tribe, or outcasts from the bond of kinship.[19]

2. Over all the people composing the tribe, irrespective of kinship, at places specially placed under tribal care, or reserved for tribal business, and therefore *neutral ground* for the members of all the calpulli. These neutral localities were the official buildings, the central or tribal "house of god," and especially the great "tianquiz" or market places.

The outcasts were, happily for the preservation of tribal society, not very numerous. Still, from their very origin, they were the most disorderly part of the people and crimes were certainly more common among them than among those upon whose passions the tie of kinship and the obligations resulting therefrom acted like a wholesome check. It required a judiciary power constantly on hand to repress and punish the misdemeanors committed among this class.

The "tecpan," the great central "teocalli" and the square on which it stood, and the market, were regular meeting-places of 348 621 693

siguiente, etc. . . . . ." (Cap. LX. p. 475): "Montezuma, apiadándose dellos, los mandó aposentar, y llamando su consejo, propu-oles la demanda que traian." *Codice Ramirez* (p. 61): "El Rey Itzcohuatl mostró gran contento con la embajada respondiendo con muy gratas palabras; mandó aposentar á los mensajeros, y honrarlos, y tratar como á su propia persona, diziéndoles que descansassen, que el dia siguiente les daria la respuesta." See also *Torquemada* (Lib. XIV, cap I, p. 533): "Acabada la Embaxada, si el Embaxador no era de mui gran Principe, no se le respondia cosa, hasta otro Dia; salian con él algunos, acompañandole á la Calpixca, adonde se proveia de lo necesario, y en el entretanto el Señor comunicaba con los de su Consejo lo que se havia de responder, lo qual hacia uno de ellos, y no él." But the most complete picture of such delegations and the manner in which they were received is found in *Velasquez* ("*Teatro Mexicano*," Parte II°, Trat. IIa, cap. II. pp. 378 and 379). It is too long to be copied. I merely allude to the words: "Acabada la embajada, le volvian á la posada mientras se juntaban para la respuesta." It has been adopted by *Clavigero* (Lib. VII, cap. XI, pp. 470 and 471).

[19] The unattached class was under protection of no kin; therefore, if such a "bonded man" made his escape to the Tecpan, he became liberated from his bond. Already mentioned by *Gomara* ("*Conquista*," Vedia, I. p. 448), and subsequently confirmed by others.

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368 people from *all* the calpulli, but over which no single kin could
●621 exercise any control.[200] This control had been delegated to the
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[200] In regard to the "teopan," the simple term "casa de comunidad," used particularly by *Torquemada* (Lib. VI, cap. XXIV, p. 45, and again Lib. XIII, cap. XXX, p. 477): la "Teopan, que es el palacio." explains much. It is, besides, self-evident that the tribal places of business and of worship were under the control of no particular kin, being expressly reserved for the tribe. There is, however, no definite expression as yet, in fact it hardly amounts to a clear conception, of the number and position or location of the original "tianquiz" of Tenuchtitlan. There are four eye-witnesses of the conquest reporting upon the markets: Cortés, Andrés de Tapia, the anonymous conqueror, and Bernal-Diez de Castillo. I quote these in succession. *Cortés* ("*Carta Segunda*," Vedia, I, p. 82): "Tiene esta ciudad muchas plazas, donde hay continuos mercados y trato de comprar y vender. Tiene otra plaza tan grande como dos vezes la ciudad de Salamanca, toda cercada de portales al rededor, donde hay cotidianamente arriba de cuarenta-mil animas comprando y vendiendo, . . ." "*Carta Tercera*," (p. 74): "hasta otra puente que está junto á la plaza de los principales aposentamientos de la ciudad." Note 2 of the Archbishop Lorenzana: "Antes de llegar á la plaza de la Universidad hay muchas puentes, y naturalmente habla aqui desta plaza ó mercado, que era muy grande." Id., (p. 78): "E porque este trabajo era incompartable, acordé de pasar el real al cabo de la calzada que va á dar al mercado de Temixtitan, que es una plaza harto mayor que la de Salamanca, y toda cercada de portales á la redonda;" (Id., p. 79): "seguimos nuestro camino, y entramos en la ciudad, á la cual llegados, yo repartí la gente desta manera; habia tres calles donde lo que teniamos ganado, que iban á dar al mercado, al cual los indios llaman Tianguizco, y á todo aquel sitio donde está llámau de Tlatelulco; y la una destas calles era la principal, que iba á dicho mercado, . . Las otras dos calles van desde la calle de Tacuba á dar al mercado." Id. (p. 81), after the repulse of the Spaniards: "todos los españoles vivos y muertos que tomaron los llevaron al Tlatelulco, que es el mercado." Id. (p. 85): "E aquel dia acabamos de ganar toda la calle de Tacuba y de adobar los malos pasos della, en tal manera que los del real de Pedro de Albarado se podian communicar con nosotros por la ciudad, é por la calle principal, que iba al mercado, se ganaron otras dos puentes y se cegó bien el agua. . . . " Id., "*y seguimos la calle grande, que iba á dar al mercado;*" (p. 86): "Otro dia siguiente, estando aderezando para volver á entrar en la ciudad, á los nueve horas del dia vimos de nuestro real salir humo de dos torres muy altas que estaban en el Tatelulco ó mercado de la ciudad." *Andrés de Tapia* ("*Relacion*," etc., in *Col. de Doc.*, II, p. 562): mentions only the "patio de los bicios." "*El Conquistador anónimo*" (Col. de Doc., I. p. 396): "Sono nella città di Temestitan Messico grandissimo et bellissimo piazze, dove si vendono tutte le cose che usana fra loro, et specialmente la piazza maggiore che essi chiamano el Tatelula, che puo esser cosi grande como sarebbe tre volte la piazza di Salamanca, et sono all'intorno di essa tutti portici; . ." (p. 394): "Et oltra q'uesta gran piazza ve no sono dell'altre et mercati in che si vendono cose da mangiare in diverse parti della città." *Bernal Diez de Castillo* ("*Historia verdadera*," Vedia, II, cap. XCII, p. 89): "y cuando llegamos á la gran plaza, que se dice el Tatelulco, como no habiamos visto tal cosa, quedamos admirados de la multitud de gente y mercaderias que en ella habia, . ." He also states that the "gran plaza" was "cercado de portales." (Cap. CLII, p. 163): "que si nos parecia que fuesemos entrando de golpe en la ciudad hasta entrar y llegar al Tlatelulco, que es la plaza mayor Méjico, que es muy ancha, . ." (Cap. CLV, p. 168): "que les entrásemos todo cuanto pudiésemos hasta llegarlos al Tlatelulco, que es la plaza mayor, adonde estaban sus altos cues y adoratorios." We notice at once a contradiction. Cortés first mentions a market of Tenuchtitlan, and afterward he calls it of Tlatelulco. Archbishop Lorenzana identifies it with the "plaza de la Universidad," or in the neighborhood of the Cathedral. See *Cervantes-Salazar* ("*Tres Dialogos*," p. 9): "en la esquina de las calles del Arzobispado y Seminario."

366 There were two great market-places in ancient Mexico, one of which was in Tenuchtitlan, and the other in the conquered neighboring pueblo of Tlatelulco. This is very

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"tlatocan" as a consequence of the formation of the tribe. Crimes committed at such localities were punished with unusual severity, because they were offences desecrating *neutral* ground which was

plainly stated by Torquemada (Lib. XIV, cap. XIII, p. 555), and it would even appear as if, notwithstanding the importance attached to Tlatelulco by many authors, that the principal market was the one mentioned by this author as "el que está en la Poblacion de San Juan . . .," and consequently the proper "tianquiz" of the Mexican tribe. This could only be neutral ground, over which no single kin exercised any authority. It may have been different in regard to the "tianquiz" of Tlatelulco; at least the following indications of *Durán* (Cap. XXXIV, p. 270) deserve full attention: "Fecho esto mandó el rey que aquella plaça y mercado que ellos ganaron, pues los tlatelulcas no tenian mas tierra, que fuese repartido entre los señores y que la parte que á cada uno cupiese, que de todos los tlatelulcas que allí hiciesen asiento, de todo lo que vendiesen los diesen alcanala, de cinco uno, y así se repartió la plaça entre todos, de donde cada uno cabrana alcanala de lo que en el lugar que le auia cauido se vendia." The above is not quite definite enough, because the "plaza y mercado" of which the friar speaks, is evidently the one mentioned by him (p. 269): "y encerrándoles en la plaça de su mercado, haciéndose los tlatelulcas fuertes, no dexanan entrar á la plaça ninguno de los Mexicanos en ella," whereas he says (p. 270): "que allí hiciesen asiento," as if the place was built over. The fact that the "tianquiz" of Tlatelulco was "distributed among the Mexicans" is further asserted by Tezozomoc ("*Crónica Mexicana*," Cap. XLVI, p. 75. Kingsborough, Vol. 9): "Axayaca mandó tambien se hiciese repartimiento del tianquiz de Tlatilolco á los Mexicanos, y comenzaron á medir primera suerte Axayaca, luego á Zihuacoatl Tlacaelel-tzin, luego par su orden Tlacochcalcatl, y á todos los capitanes, que fué tenido el tianquiz en mas de sí ganaran cien pueblos." It would therefore appear, if we interpret this "distribution" as it should be done, namely: *as a division of spoils among the kins*, that the latter claimed a share of tribute from the traffic or barter going on in the "tianquiz" of Tlatelulco. A fact corroborated besides by that other statement of *Durán* (p. 269): "El rey le mandó, que pues auian sido traidores á su corona real, que de allí adelante queria y era su voluntad que aquella parcialidad Mexicana del tlatelulco le fuesen tributarios y pecheros como las demas ciudades y provincias, . . ." This, and the uncertainty as to which tianquiz is always meant, favors the assumption that *Gomara* ("*Conquista*," p. 348. Vedia I) mentions Tlatelulco when he says: "Los que venden pagan algo del asiento al Rey, ó por alcabala ó porque los guardes de ladrones." *Cortés* ("*Carta Segunda*," pp. 32, 33 and 34) does not mention it, for the words: "donde están personas por guardas y que reciben certum quid de cada cosa que entra" do not apply to the market which he describes as having visited and which, in spite of *Bernal-Díaz* ("*Hist. Verdadera*," Cap. XCII, p. 89) I still believe to have been that of Tenochtitlan, and not that of Tlatelulco. Cortés is strictly followed by *Oviedo* (Lib. XXXIII, cap. X, pp. 380 and 381) whereas *Herrera* (Dec. II, lib. VII, cap. XVI, p. 198) copies Gomara.

I have dwelt thus long on this question because it disposes of the notion that the "government" of Mexico levied a tax on the traffic of the members of the tribe. This tax limits itself to a tribute paid by the subjected tribe of Tlatelulco alone, because, as *Durán* says (p. 270) "they had no more soul than that of their tianquiz." This tax was distributed among the kins, like any other tribute. But it does not follow that therefore the kins exercised judicial power over the Tlatelulcan market. This power either remained with the Tlatelulcan tribe, or devolved upon the officers of the tribe of Tenochtitlan. The former is more likely, although the latter might also have been the case since the Tlatelulcans were treated with great severity, as traitors and outcasts (*Durán*, Cap. XXXIV, pp. 269-271), in which case the tribal authorities would have had to punish them.

That the central or tribal "teocalli" and the courts surrounding it were committed to the care of the tribe, as representing all the kins, on equal terms, in the share which each had in it, is self-evident, and needs no further proof.

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then respected as open to use for all the kins in common.[991] So many people met there daily, that the daily exercise, at least the presence, of judicial authority was absolutely necessary.[992]

[991] *Las Casas* ("*Historia apologética*," Cap. 214, in note XLV of Lord Kingsborough, Vol. VIII, p. 134): "pero cuando reñian en los mercados, como á escandalosos y alborotadores del pueblo eran muy gravemente castigados." *Sahagun* (Lib. VIII, cap. XXXVI, p. 823) says even of those who disposed of stolen articles: "the Judges and chiefs took them and sentenced them to death." *Torquemada* (Lib. XII, cap. V, p. 361): "El que hurtaba en la Plaça ó Mercado, que llaman Tianquizco, luego allí era muerto á palos, por tener por muy grave culpa, que en semejante lugar, y tan publico, huviese tanto atrevimiento." *Clavigero* (Lib. VII, cap. XVII, p. 384): "He who changed the measures established by the government, in open market, was executed on the spot," and (p. 387): "He who stole in the market, was at once beaten to death." *Mendieta* (Lib. II, cap. XXIX, p. 126): "Porque tenian por grave el pecado cometido en la plaza ó mercado."

[992] We have again here the *eye-witnesses*. *Cortés* ("*Carta Segunda*." Vedia, I, p. 82): "Hay en esta gran plaza una muy buena casa como de audiencia, donde están siempre sentados diez ó doce personas, que son jueces y libran todos los casos y cosas que en el dicho mercado acaecen, y mandan castigar los delinquentes. Hay en la dicha plaza otras personas que andan continuo entre la gente mirando lo que se vende y las medidas con que miden lo que venden, y se ha visto quebrar alguna que estaba falsa." *Bernal Diaz de Castillo* (Cap. XCII, p. 89): Vedia, II, "y tenian allí sus casas, donde juzgaban tres jueces y otros como alguaciles ejecutores que miraban las mercaderias." These two statements, with more or less variation, are at the base of all that has been subsequently said on this subject, except by *Sahagun* (Lib. VIII, cap. XXXVI, p. 823): "El señor tambien cuidaba del tianguiz y de todas las cosas que en el se vendian por amor de la gente popular, y de toda la gente forastera que allí venia, para que nadie los hiciese fraude, ni sin razon en el comercio de la feria. Por esta causa ponian por órden todas las cosas, que se vendian cada una en su lugar, y elegian por la misma oficiales que se llamaban tianquizpantlayacaque, los cuales tenian cargo del mercado, y todas las cosas que allí se vendian de cada género de mantenimientos ó mercaderias; tenia uno de estos cargo para poner los precios de las cosas que se vendian y para que no hubrise fraude entre los compradores y vendedores." "Tianquizpantlayacaque" decomposes into "Tianquizpan," "feriar, o tratar en mercado," *Molina* (II, p. 114), and "Tlayacatia," "cosa primera o delantera" (Id., p. 130); consequently, "the foremost or first ones of those who trade in open market." We have to discriminate therefore between these and such officers as "*ast*" ("están siempre sentados," says Cortés) within that "very good house" in the market, or rather close by, and acted as Judges. *Herrera* (Dec. II, Lib. VII, cap. XVI, p. 196) says this house was "cerca del Mercado"—a statement which he afterwards changes to "en la plaza de Mexico" (Dec. III, Lib. IV, cap. XVII, p. 137). We are now informed by *Torquemada* (Lib. XIV, cap. XIII, p. 558) that the *tecpan* of Tlatelulco "que son las Casas de Cabildo, y Audiencia" was, at his time, on one of the sides ("acera") of the *market* of Tlatelulco, and it appears to have been customary for the natives to have the official building facing the "tianquiz." Such was the case at Texcuco if we are to believe *Ixtlilxochitl* ("*Hist. des Chichimèques*," Cap. XXXVI, p. 347): "Le palais avait deux cours, dont la première, qui était la plus grande, servait de place publique et de marché; elle est même encore aujourd'hui destinée à cet usage;" and if the market of Tenuchtitlan really was where Archbishop Lorenzana places it (see note 280), then it is evident that the Mexican tecpan must have been very near it, if not actually facing the square. The "great house" mentioned by the eye-witnesses quoted, was therefore, in all probability, but the council or official-house of the tribe, and the old men who, in number from three to twelve, are said to have officiated as "Judges," were members of the "tlatocan" or supreme council on judicial duty, as we shall hereafter see. These officers who circulated among the people maintaining peace and order, were executive

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It therefore demanded the daily attendance at the official house of the tribe of a body of men sitting as "judges." The decisions of these judges had to be final even in matters of life and death. Therefore the chiefs composing the highest authority of the tribe, the members of the council or "tlatoca," were also its supreme judges. It is stated that for this daily work the twenty "speakers" were subdivided into two bodies sitting simultaneously in two different halls of the "tecpan." One of these bodies is called "court of the nobles" because it attended, not merely to tribal cases, but especially to the preparatory business of government in general, whereas the other limited its decrees to judicial questions only.[203]

officers delegated for that special purpose, and, as we shall find, probably under orders of the military commanders of the tribe.

[203] This division of the council into two bodies for the purpose of greater dispatch of judicial work is particularly affirmed by *Sahagun* (Lib VIII, cap. XIV, p. 303. Cap. XV, p. 304, and Cap. XXV, pp. 313 and 314), who, however, contradicts himself in regard to the position and rank of his "Judges." Thus (p. 303) he calls his officers of the "sala de la judicatura," "el rey, los señores, cónsules, oidores, principales nobles" as distinguished from those of the "audiencia de la causas civiles," whom he designates as "los senadores y los ancianos," thus intimating, if not asserting, that the former were superior to the latter in rank and power. The hall wherein the former met, is called "tlacxitlan," the latter "teccalli." I shall return to these terms again. He further asserts (p. 314), speaking of the former: "Estos tales eran los mayores jueces, que ellos llamaban tecutlatoques," and establishes them as a court of appeal for the lower court. Now (Cap. XXX, p. 318) he says: "juntábanse los senadores que llamaban tecutlatoques . . ." Consequently, he tacitly admits that the "senadores" who, according to him, composed the "lower" court were also the *equals* of those of the higher, and all belonged to the same class of officers. Finally, his picture of the duties of both bodies is rather obscure. He even (p. 314) might be construed so as to establish *three* courts. If we now examine the names given by him, we find that of the "lower" to be "house of chiefs," from "tecuhtli" and "calli," house. Indeed, *Molina* (II, p. 99) has "teccalli," "casa, o audiencia real." "Tlacxitlan," however, signifies (II, p. 120) "en lo baxo, o al pie de los arboles, o de cosa semejante." The proper derivation, however, is from "ni tlacxitoca" "to correct writings, or count over what has been already counted" (p. 120), which would indeed correspond to a "court of appeals." "To appeal" is "nitlacuepa;" "appeal," "tlacuepalixtli; occeccan neteihuiliztli," *Molina* (I, p. 12). It stands properly for the act of demurring, or of returning, folding, doubling up, and it is not likely to have been used by the natives to define an appeal in our sense of the word. Father Sahagun has probably introduced the word "tlacxitlan" himself. At all events, he is responsible for the notion of a superior body of judges, to whom a lower court, sitting in the same house, referred all cases of importance, contenting itself with taking testimony and despatching unimportant cases; while at the same time he tells us that the members of *both* groups *held the same office*, and were consequently equal and had the same title. This title we have found to be that of the members of the council, consequently the two groups formed but fractions of that body, co-ordinated and assisting each other, and not a higher and a lower branch of a tribal judiciary.

Father Sahagun and contemporary authors of the Franciscan school, whose writings have just now come to light in the "*Libro de Oro*," can easily be traced as the source of most of the later pictures of Mexican judicial customs as in the present instance. Thus his highest tribunal of *thirteen* "senadores" reappears in *Gomara* ("*Conquista*," p. 442,